

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MATTHEW HAMILTON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

FORWARD BANK and FORWARD
FINANCIAL SERVICES, LLC,

Defendants.

ORDER

23-cv-844-wmc

The plaintiffs in this action and *Ethan Rohland v. Forward Bank and Forward Financial Services*, No. 3:23-cv-00852 (W.D. Wis.), have moved to consolidate their cases, along with any others naming Forward Bank and Forward Financial Services (collectively, “Forward”) as a defendant in connection with the alleged September 6, 2023, data breach at Forward. (Dkt. #3.) Plaintiffs also move to appoint William B. Federman, Gary M. Klinger, and Raina Borrelli as interim, co-lead class counsel. (Dkt. #5.) Defendants do not oppose plaintiffs’ motion to consolidate and take no position on the appointment of interim class counsel. (Dkt. #12.) Thus, the court will grant plaintiffs’ motion to consolidate as unopposed, subject to hearing any objection from plaintiffs or their counsel before other lawsuits are consolidated.

As for plaintiffs’ motion to appoint interim co-lead class counsel, Rule 23(g)(1)(A) sets forth four factors that a court must consider: the quality of counsel’s work in the case; counsel’s experience in handling similar cases; counsel’s knowledge of the law; and the resources that counsel can devote to the case. The court may also consider “any other matter pertinent to counsel’s ability to fairly and adequately represent the interests

of the class.” Fed. R. Civ. P. 23(g)(1)(B). Here, plaintiffs are represented by the following attorneys: William B. Federman, Gary M. Klinger, and Raina Borrelli. Plaintiffs have submitted “firm resumes” for each of their respective firms, as well as outlined the individual attorneys’ experiences litigating class actions, including data breach cases. (Dkt. ##8 to 8-3.) Collectively, counsel have more than adequate resources and extensive litigation experience with class actions and data breach issues. Defendants do not challenge counsel’s adequacy. At least on an interim basis, therefore, the court is persuaded that plaintiffs’ counsel meet the requirements in Rule 23(g)(1).

ORDER

Accordingly, IT IS ORDERED that:

- 1) Plaintiffs’ motion to consolidate this case and *Ethan Rohland v. Forward Bank and Forward Financial Services*, No. 3:23-cv-00852 (W.D. Wis.) is GRANTED. (Dkt. #3.)
- 2) Going forward, this case, No. 23-cv-844-wmc, will be the operative, consolidated action.
- 3) This order shall apply to any action filed in, transferred to, or remanded to this court relating to the alleged September 6, 2023, data breach, subject to prompt objection by any new plaintiffs or their counsel from these actions.
- 4) Plaintiffs in the consolidated action shall file an operative, consolidated amended complaint by April 11, 2024. Defendants need not respond to the complaint filed in *Ethan Rohland v. Forward Bank and Forward Financial Services*, No. 3:23-cv-00852

(W.D. Wis.), and shall have 21 days after plaintiffs file their consolidated amended complaint to answer, move or otherwise respond.

5) Plaintiffs' motion to appoint interim co-lead class counsel is GRANTED, and the court appoints attorneys William B. Federman, Gary M. Klinger, and Raina Borrelli as interim co-lead class counsel to act on behalf of the plaintiffs and the putative class.

Entered this 26th day of February, 2024.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge